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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			WALTER, CRAIG E	
		ART UNIT	PAPER NUMBER	
			2188	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/666,709	KANAI ET AL.
	Examiner Craig E. Walter	Art Unit 2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-7,12,13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-7,12,13 and 17-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Status of Claims

1. Claims 5-7, 12, 13, and 17-19 are pending in the Application.

Claims 5-7, 12, 13, and 17-19 have been amended.

Claims 1-4, 8-11, 14-16, and 20-22 have been canceled.

Claims 5-7, 12, 13, and 17-19 are rejected.

Response to Amendment

2. Applicant's amendments and arguments filed on 21 June 2006 in response to the Office action mailed on 17 March 2006 (hereinafter "previous Office action") have been fully considered, but they are not persuasive. Therefore, the rejections made in the previous Office action are maintained, and restated below, with changes as needed to address the amendments.

Claim Objections

3. Claims 13, 17, and 19 are objected to because of the following informalities:

As for claims 13 and 19, the phrase "the address" as recited in line 14 of claim 13 (line 15 of claim 19) should be changed to "an address".

As for claim 17, the phrase "the information processor" as recited in lines 3-4 of this claim should be changed to "an information processor".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 12, and 13, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the second cache memory" in line 21. There is insufficient antecedent basis for this limitation in the claim. More specifically, it is unclear which second cache memory is being referred to by this limitation (i.e. one of the plurality of second cache memories as per line 10 of this claim, or the one of the second cache memory per lines 18-19). Additionally this claim recites the limitation "the other second control unit" in line 29, however no "other second control unit" is previously set forth within this claim.

Claim 12 recites the limitation "the channel control unit" and "the other channel control unit" in lines 16-17 and 21 respectively. There is insufficient antecedent basis for these limitations in the claim. More specifically, it is unclear which channel control unit is being referred to by these limitations (i.e. which one of the at least two channel control units as per line 6 of this claim). A similar rejection applies to claim 13 (line 16).

Claim 13 recites the limitation "the other channel control unit" in line 27. There is insufficient antecedent basis for these limitations in the claim. More specifically, no "other channel control unit" is previously set forth in this claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-6, 12 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewey et al. (US Patent 5,724,501), hereinafter Dewey.

As for claims 5 and 17, Dewey teaches a method (as per claim 5, and medium per claim 17) for writing data to a cache memory wherein a data write-in request is issued from an information processor to a storage control apparatus, the storage control apparatus including a plurality of the channel control units (Fig. 7, elements 401 and 401') each having an interface with the information processor; a disk control unit (Fig. 7, element 414) having an interface with a storage device (Fig. 7, element 404) for storing data; a cache memory (Fig. 7, elements 422 and 422') disposed in each channel control unit for temporarily storing data to be interchanged between the information processor and the storage device; a dedicated data transfer path between at least two cache memories ((Fig. 7, element 426); and a connector unit to provide data paths among the plurality of channel control units and the disk control unit separate from the dedicated data transfer path (Fig. 7, the path connecting disk interfaces (414) and (414') not labeled in the figure), comprising:

receiving data to be written from the information processor (Fig. 7, element 401 – the control unit contains logic to receive data transmitted from the host (not explicitly shown in Fig. 7));

writing the data to be written to the cache memory of the first channel control unit (both the hosts and the control units are capable of writing data to the cache);

transmitting the data to be written through the dedicated data transfer path to a second channel control unit connected to the first channel control unit (the control unit is capable of transmitting data to the other control unit (Fig. 7, the memory interfaces (elements 420 and 420') are used to communicate data between the channel control units via the single dump link (data transfer path) – see also col. 2, line 54 through col. 3, line 8);

receiving through the dedicated data transfer path an acknowledgement indicating that writing of the transmitted data to the cache memory disposed in the second channel control unit has completed (both the hosts and the control units are capable of receiving acknowledgements sent via the data transfer path notifying that the writing to the cache in the other control unit is complete - col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7); and

transmitting the acknowledgement to the information processor to notify the information processor that data written to the cache memory of the second channel control unit has completed (both the hosts and the control units are capable of receiving acknowledgements via the data transfer path notifying that the writing to the cache in the other control unit is complete - col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7).

As for claims 6, 12 and 18, Dewey teaches a method (as in claim 6, control unit as in claim 12, and medium as in claim 18) in a storage control apparatus for reading in data stored in a second cache memory to a first cache, the storage control apparatus including a plurality of channel control units each having an interface with an information processor; a disk control unit having an interface with a storage device for storing data; a plurality of first cache memories each disposed in one of the channel control units for storing temporarily data to be interchanged between the information processor and the storage device, the first cache memory of at least two of the channel control units connected to one another through a dedicated data transfer path; and a connector unit to provide data paths among the plurality of channel control units, and the disk control unit separate from the dedicated data transfer path (see the rejection of claim 1 for the mapping of these elements), comprising:

transmitting a read-out command for data stored in the second cache memory, acquiring the data from the second cache memory, writing the acquired data to the first cache memory of the first channel control unit (col. 2, line 54 through col. 3, line 8 – Dewey's system works by sending a request from one control unit to another. The request allows data to be copied from one control unit's cache to the other control unit's cache for data redundancy. By this means, one control unit can access data contained within the cache of the other control unit, and store said data in order to maintain data consistency within the caches);

Dewey further teaches transmitting the acquired data through the dedicated data transfer path to a second channel control unit connected to the first channel control unit (Fig. 7, the memory interfaces (elements 420 and 420') are used to communicate data between the channel control units via the single dump link (data transfer path) – see also col. 2, line 54 through col. 3, line 8). Additionally, Dewey teaches receiving an acknowledgement from the second channel control unit indicating that the acquired data has been written to the first cache memory of the second channel control unit (Col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ninomiya et al. (US PG Publication 2001/0056527 A1), hereinafter Ninomiya in further view of Dewey (US Patent 5,724,501).

As for claims 5 and 17, Ninomiya teaches a method (as per claim 5, and medium per claim 17) for writing data to a cache memory wherein a data write-in request is issued from an information processor to a storage control apparatus, the storage control apparatus including a plurality of the channel control units (Fig. 1, element 1) each having an interface with the information processor; a disk control unit (Fig. 1, element 2) having an interface with a storage device (Fig. 1, the disks (elements 5) interface with the disk adapters) for storing data; a cache memory (Fig. 1, element 3) disposed in each channel control unit for temporarily storing data to be interchanged between the information processor and the storage device; a dedicated data transfer path between at least two cache memories ((Fig. 1, element 5); and a connector unit to provide data paths among the plurality of channel control units and the disk control unit separate from the dedicated data transfer path (Fig. 1, element 4 depicts a redundant path, therefore communication via the channel and disk control units can occur on separate paths), comprising:

receiving data to be written from the information processor (Fig. 2, element 1 – the host adaptor contains logic to receive data transmitted from the processor – paragraph 0041, all lines. Also, though not shown in Fig. 1 explicitly, each host adaptor is connected to a processor – paragraph 0036, all lines);

writing the data to be written to the cache memory of a first channel control unit (both the disk adaptor and host adaptor are capable of writing data to the cache – see paragraphs 0037 and 0038, all lines);

transmitting to the information processor the acknowledgement to the information processor to notify the information processor that data written to the cache memory of the second channel control unit has completed (paragraph 0037, the host adaptor contains the logic (referring again to Fig. 2, element 1) which is used to transmit the report to the host device that writing to the cache is complete).

Ninomiya fails to teach transmitting to the other control unit and receiving the acknowledgement from the other control unit.

Dewey however teaches receiving through the dedicated data transfer path an acknowledgement indicating that writing of the transmitted data to the cache memory disposed in the second channel control unit has completed (both the hosts and the control units are capable of receiving acknowledgements sent via the data transfer path notifying that the writing to the cache in the other control unit is complete - col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to

recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7); and transmitting the acknowledgement to the information processor to notify the information processor that data written to the cache memory of the second channel control unit has completed (both the hosts and the control units are capable of receiving acknowledgements via the data transfer path notifying that the writing to the cache in the other control unit is complete - col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention for Ninomiya to further include Dewey's quick recovery system of write cache. By doing so, Ninomiya would benefit by having a system that is not only capable of mirroring data within his multiple control units for data recovery, but additionally one that exploits the benefits of an onboard mirroring technique, in which the hosts incur no additional latency due to the mirroring of data. This in effect can help optimize performance during normal host operation, and allow for the secondary links to be constructed with limited bandwidth, since the coping only occurs on failures as taught by Dewey (col. 2, lines 8-20).

7. Claims 7, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey (US Patent 5,724,501) in further view of La Fetra et al. (US Patent 5,155,828), hereinafter La Fetra.

As for claims 7, 13 and 19, Dewey teaches a method (as in claim 7, control unit as in claim 13, and medium as in claim 19) performed by a channel control unit for reading out data by a channel control unit for the case where a data read-out request is issued from an information processor to a storage control apparatus, the storage control apparatus including a plurality of the channel control units each having an interface with the information processor; a disk control unit having an interface with a storage device for storing data; a first cache memory in each of the channel control units for temporarily storing data to be interchanged between the information processor and the storage device, the first cache memory of at least two of the channel control units being connected to one another through a dedicated data transfer path; a plurality of second cache memories; and a connector unit to provide data paths among the plurality of channel control units, and the disk control unit separate from the dedicated data transfer path (see the rejection of claim 1 for the mapping of these elements), comprising:

receiving from the information processor a read-out command for data for which an address is specified (the processor is capable of accessing data from the cache via the metadata which includes the disk and cache address for data stored in the disk or caches respectively – col. 4, lines 16-27);

determining whether the data at the specified address is stored in the first cache memory of a first channel control unit (a cache hit or miss can be determined – col. 7, lines 13-38. Again the determination can be made using the metadata, which directs the host to the appropriate address of the cache);

acquiring the data from the second cache memory, and writing the acquired data to the first cache memory of the first channel control unit (col. 2, line 54 through col. 3, line 8 – Dewey's system works by sending a request from one control unit to another. The request allows data to be copied from one control unit's cache to the other control unit's cache for data redundancy. By this means, one control unit can access data contained within the cache of the other control unit, and store said data in order to maintain data consistency within the caches. Additionally, once a read request is encountered, data will be acquired from both cache memories – col. 7, lines 31-61);

Dewey further teaches transmitting the acquired data through the dedicated data transfer path to a second channel control unit connected to the first channel control unit (Fig. 7, the memory interfaces (elements 420 and 420') are used to communicate data between the channel control units via the single dump link (data transfer path) – see also col. 2, line 54 through col. 3, line 8). Additionally, Dewey teaches receiving from the second channel control unit an acknowledgement indicating that the writing of the acquired data to the first cache memory disposed in the other control unit has completed - col. 6, lines 45-59 – an acknowledgement can be sent since the data is stored redundantly, thus alerting the system that the data has been written. This redundancy is available to recovery data from the first control unit's cache in the case when a failure occurs in the second control unit as shown in Fig. 7.

Dewey additionally teaches transmitting the acquired data to the information processor (the control unit is capable of transmitting data to the host via the host interface (Fig. 7, element 400)).

Dewey fails to teach transmitting the read-out command for the data to the one of the second cache memories if the data at the specified address is not stored in the first cache memory of the first channel control unit (rather he teaches acquiring the data from the disks – col. 7, lines 62-66).

La Fetra however teaches a computing system with a cache memory and an additional look-aside cache memory wherein a processor attempts to access a second cache memory, and in case of a miss, accesses a first cache memory before accessing the main memory col. 2, lines 11-36). It is worthy to note that since the L2 (i.e. first cache) cache contains all of the data of L1 (i.e. second cache), Dewey would be able to maintain mirroring of the first cache by storing the same data in a section of the L2 cache in the second control unit (plus the additional data not stored in the L1 cache). This way if a miss occurs to L1, the processor can search L2 cache prior to accessing the disk.

It would have been obvious to one of ordinary skill in the art at the time of the invention for Dewey to further include La Fetra's system with a cache memory and look-aside cache memory into his own system of mirroring data. By doing so, Dewey would have an extra level of hierarchy in his cache system in order to retrieve requested data from one of the caches, before attempting to access main memory (i.e. the disks),

thereby decreasing the access time of requested memory by accessing the main memory less frequently as taught by La Fetra in col. 1, lines 25-35.

Response to Arguments

8. Applicant's amendments and arguments with respect to claims 5, 7, 12, 13, and 17-19 have been fully considered, but they are not persuasive.

With respect to the previously set forth objections and 35 USC § 112 rejections, Applicant asserts that the claims have been amended to overcome all objections and rejections. Examiner however maintains that several objections and rejections remain from the previous Office action as discussed under the headings "Claim Objections" and "Claim Rejections - 35 USC § 112" as presented *supra*. Additionally note several of the objections and rejections set forth under 35 USC § 112 are newly presented to address the amended subject matter.

As for claim 5, Applicant asserts that this claim (as amended) overcomes the rejection under 35 USC § 102(b) since Dewey fails to teach three critical limitations:

- I. a "dedicated data transfer path between at least two cache memories of the channel control units";
- II. "a connector unit to provide data paths among the plurality of channel control units and the disk control unit separate from the dedicated data transfer path"; and
- III. "data to be written to the cache memory of a 1st channel control unit is transmitted through the dedicated data transfer path to a 2nd channel control unit connected to the first channel control unit".

Applicant further contends that claims 7, 12, 13, and 17-19 are allowable over Dewey for similar reasons.

With respect to Applicant's first argument, Examiner maintains that Dewey does in fact teach a "dedicated data transfer path between at least two cache memories of the channel control units". Referring to Fig. 7, Dewey discloses a dedicated path from the RAM (422), through the memory interface (420), via the single dump link (426), back to the second memory interface (420'), which terminates at the second cache (422'). The path as described by Dewey is used to transfer data (read from or written to the RAM) between the channel control units.

With respect to Applicant's second argument, Examiner maintains that Dewey does in fact teach "a connector unit to provide data paths among the plurality of channel control units and the disk control unit separate from the dedicated data transfer path". Referring again to Fig. 7, Dewey teaches a path separate from the dedicated path from a channel control unit (401) to the disk interface (414), via the hard drives (404), back to the disk interface (414') within channel control unit (401'). This data path, used to connect the channel control units, is clearly separate from the single dump link as depicted in Fig. 7.

With respect to Applicant's third argument, Examiner maintains that Dewey does in fact teach a "data to be written to the cache memory of a 1st channel control unit is transmitted through the dedicated data transfer path to a 2nd channel control unit connected to the first channel control unit". Referring again to Fig. 7, Dewey discloses transferring data via the single dump link (426) – col. 2 line 54 through col. 3, line 8. As

discussed with respect to Applicant's first argument, the single dump link is used to transfer the data stored in each of Dewey's respective channel control units.

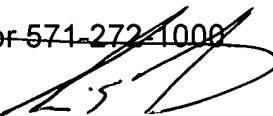
Examiner would like to further note that Applicant is silent with respect to the 35 USC § 102(b) rejection (Dewey) of claim 6; the 35 USC § 103(a) rejection (Ninomiya in further view of Dewey) of claims 5, 11, and 17; and the 35 USC § 103(a) rejection (Dewey in further view of La Fetra) of claims 7, 13, 19, therefore these rejections are maintained per the rejections *supra*.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig E. Walter whose telephone number is (571) 272-8154. The examiner can normally be reached on 8:30a - 5:00p M-F.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Craig E Walter
Examiner
Art Unit 2188

CEW



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8/28/06

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